

FOR VICTIM, DRUG, SENSITIVE INFO CASES

United States of America

v.

«Defname»

USAO #: «USAO»

Mag/CR #: «mag»

«AUSA», Assistant U.S. Attorney

DISCLOSURE AGREEMENT

In order to expedite disclosure and facilitate a speedy resolution of the case, the parties stipulate and agree as follows.

1. Defense counsel agrees to waive the preliminary hearing in exchange for early disclosure pursuant to the terms of this agreement.
2. During the government's initial pretrial disclosure, the government agrees to provide defense counsel with material under the Jencks Act, 18 U.S.C. § 3500, prepared by federal and state law enforcement agencies, in the possession of the United States Attorney's Office, with the exception of reports reflecting statements of informants and accomplices. In the event more such material comes into the possession of the United States Attorney's Office after initial pretrial disclosure, the government has a continuing obligation to disclose it as soon as reasonably possible. This is not an open file policy.
3. Both parties agree to provide the following materials to each other no later than fourteen days prior to trial.
 - a. Photocopies of all documents that the parties may use at trial for impeachment purposes.
 - b. Notice of books, papers, documents, photographs, tangible objects, or copies or portions thereof that the parties intend to introduce as evidence in chief at the trial, along with the opportunity to inspect and copy or photograph same.
 - c. The opportunity to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, which the parties intend to introduce as evidence in chief at the trial or which were prepared by a witness whom the parties intend to call at the trial.
 - d. A list of all potential witnesses for the party's case in chief and a summary of their expected testimony if a report or statement covering the expected testimony has not already been provided.
 - e. Notice of any objection to voice identification, transcript, or translation of any tape-recorded conversation. The parties further agree that failure to timely object to same shall be deemed a stipulation to the accuracy of said voice identifications and transcripts.
4. Defense counsel agrees that any disclosure provided by the government pursuant to this agreement is the property of the United States government and does not become a public document by virtue of its disclosure. Defense counsel agrees not to provide any copies of the disclosure to anyone except for individuals employed by defense counsel constituting the defense team. The defendant may review any disclosure in the presence of defense counsel but shall not retain a copy. Defense counsel agrees not to provide the government's disclosure to attorneys representing codefendants in this case. Likewise, the government agrees that disclosure provided by defense counsel pursuant to this agreement is the property of the defense and does not become a public document. The government agrees not to provide any copies of the disclosure to anyone outside of the prosecution team.
5. The parties acknowledge that failure to comply with the obligations herein agreed to may necessitate a continuance of trial or may result in the exclusion at trial of those documents, physical evidence, and testimony related to same, in the discretion of the court.
6. In the event the undersigned defense attorney withdraws from the case, the attorney agrees, absent any contrary agreement with the prosecutor, to return any previously disclosed material and all copies to the government.
7. The parties intend the terms of this agreement to apply to initial disclosure and any supplemental disclosure in this matter.
8. By signing this agreement, defense counsel represents that the terms of this agreement have been discussed with the defendant and the defendant understands and agrees to the foregoing.

Date: _____

Signature: _____

<<attorney>>

Attorney for Defendant